

1 ROBERT S. McLAY (SBN 176661)  
[rmclay@hayesscott.com](mailto:rmclay@hayesscott.com)  
2 GABRIELLE A. HOLLINGSWORTH (SBN 292955)  
[ghollingsworth@hayesscott.com](mailto:ghollingsworth@hayesscott.com)  
3 **HAYES SCOTT BONINO**  
**ELLINGSON & McLAY, LLP**  
4 203 Redwood Shores Parkway, Suite 480  
Redwood City, California 94065  
5 Telephone: 650.637.9100  
Facsimile: 650.637.8071  
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7 Attorneys for Plaintiff  
USAA LIFE INSURANCE COMPANY

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 USAA LIFE INSURANCE COMPANY, a Texas  
Corporation,

12 Plaintiff,

13 v.  
14

15 REBECCA L. ROMONEK (formerly LEV);  
MATTHEW LEV, a minor by and through his  
guardian, REBECCA L. ROMONEK; KRISTINA  
16 GOTH; THE LEV TRUST; ESTATE OF JAMES  
B. LEV; and DOES 1 through 25, inclusive,

17 Defendants.  
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CASE NO. 3:15-cv-05582 WHA

**STIPULATION AND ORDER  
DIRECTING DISTRIBUTION OF LIFE  
INSURANCE PROCEEDS AND FOR  
DISMISSAL OF CASE WITHOUT  
PREJUDICE**

**TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

This stipulation for an order regarding the distribution of life insurance funds and dismissal in the above-referenced matter is made and entered into by and between plaintiff USAA LIFE INSURANCE COMPANY (“USAA Life”), and defendants REBECCA L. ROMONEK (“Romonek”), KRISTINA GOTH (“Goth”), THE LEV TRUST, and the ESTATE OF JAMES B. LEV, referred to collectively as the “Parties.”

**RECITALS**

1. USAA Life issued a term life insurance policy to James B. Lev in the amount of \$500,000 on October 9, 2002 (Policy No. D442277010). USAA Life issued a second term life insurance policy to James B. Lev in the amount of \$1,000,000 on June 12, 2008 (Policy No. D531256245).

2. James B. Lev changed the beneficiaries on both life insurance policies on or about April 1, 2014. Romonek filed a petition for dissolution of marriage on April 1, 2014.

3. James B. Lev died on or about September 23, 2015.

4. USAA Life received competing claims to the life insurance proceeds in or about October 2015.

5. USAA Life filed a Complaint in Interpleader on December 12, 2015, seeking resolution of the competing claims to the life insurance proceeds following the death of James B. Lev.

6. USAA Life filed a Motion for Discharge and for Order to Deposit Interpleader Funds on February 19, 2016.

7. Defendant Romonek filed a Statement of Non-Opposition to USAA Life’s Motion for Discharge on March 4, 2016.

8. Defendants Goth, the Lev Trust, and the Estate of James B. Lev filed a Conditional Statement of Non-Opposition to USAA Life’s Motion for Discharge on March 4, 2016.

9. This Court granted USAA Life’s Motion for Discharge on March 9, 2016. The Court also granted USAA Life’s request for attorney’s fees and costs in the amount of \$8,399.68.

10. This Court Ordered USAA Life to deposit the interpleader funds with the Court’s

1 registry by noon on March 18, 2016.

2 11. Defendants have agreed to distribute the \$1,000,000 policy to Kristina Goth, as  
3 trustee for the James B. Lev Trust, for Matthew Lev's benefit. USAA Life's costs and fees will be  
4 paid from the \$1,000,000 policy. Defendants have further agreed to distribute the \$500,000 policy  
5 to Rebecca Romonek. Under the anticipated terms of the settlement agreement, Romonek shall use  
6 \$200,000 of the life insurance proceeds to fund a trust for the benefit of Matthew Lev, Romonek  
7 will receive \$275,000 outright, Lakin Spears, LLP will receive \$25,000 as a contribution toward  
8 Romonek's legal fees.

9 12. The defendants are discussing and finalizing a settlement agreement in the Family  
10 Court action, which includes an agreement on the distribution of the USAA Life insurance proceeds  
11 at issue in this case.

12 13. USAA Life, having no interest in the life insurance proceeds, has agreed to distribute  
13 the life insurance proceeds pursuant to the defendant's settlement in the Family Court action and  
14 dismiss the instant interpleader action.

#### 15 STIPULATION

16 1. The Parties hereby stipulate to an order directing USAA Life to pay life insurance  
17 proceeds as follows:

18 A. **\$1,000,000 USAA Life Policy No. D531256245:** USAA Life shall distribute the  
19 life insurance proceeds to Kristina Goth, as trustee of the James B. Lev  
20 Revocable Trust, dated April 1, 2014. USAA Life's costs and fees in the amount  
21 of \$8,399.68 shall be deducted from the distribution of this policy.

22 B. **\$500,000 USAA Life Policy No. D442277010:** USAA Life shall distribute the  
23 life insurance proceeds to Rebecca Romonek. Once received, Rebecca Romonek  
24 shall allocate the proceeds pursuant to the terms of the final settlement agreement  
25 in *Romonek v. Lev*, San Mateo County Superior Court, Case No. FAM0124896.

26 2. The Parties hereby stipulate to dismissal of the instant case without prejudice. Upon  
27 dismissal, USAA Life shall be released from liability as to each defendant with respect  
28 to the subject matter of the instant interpleader action.

1 Dated: March 17, 2016

HAYES SCOTT BONINO ELLINGSON & McLAY, LLP

2  
3 By /s/ Gabrielle A. Hollingsworth

4 Robert S. McLay

Gabrielle A. Hollingsworth

5 Attorneys for Plaintiff

USAA Life Insurance Company

6  
7 Dated: March 17, 2016

LAKIN SPEARS LLP

8  
9 By: /s/ Edward R. Fluet

10 Edward R. Fluet

Attorney for Defendant

11 REBECCA L. ROMONEK

12 Dated: March 17, 2016

VIOLA LAW FIRM

13  
14 By: /s/ Peter W. Daniel

15 Peter W. Daniel

Attorney for Defendants

16 KRISTINA GOTH, THE LEV TRUST, AND

17 ESTATE OF JAMES B. LEV

18 **SIGNATURE ATTESTATION**

19  
20 I hereby attest that all of the signatories electronically listed above concur in this filing's  
21 content and have authorized the filing in compliance with Local Rule 5-1(i)(3).

22 /s/ Gabrielle A. Hollingsworth

23 GABRIELLE A. HOLLINGSWORTH

**[PROPOSED] ORDER**


The Court, having reviewed the stipulation for an order directing the distribution of life insurance proceeds and for dismissal of the case without prejudice, and GOOD CAUSE

APPEARING THEREFOR, hereby orders as follows:

1. USAA Life is hereby ordered to distribute the life insurance proceeds of USAA Life Policy No. D531256245 to Kristina Goth, as trustee of the James B. Lev Revocable Trust, dated April 1, 2014. USAA Life's costs and fees in the amount of \$8,399.68 shall be deducted from the distribution of this policy.
2. USAA Life is hereby ordered to distribute the life insurance proceeds of USAA Life Policy No. D442277010 to Rebecca Romonek.
3. Rebecca Romonek shall allocate the proceeds of the \$500,000 policy pursuant to the terms of the final settlement agreement in in *Romonek v. Lev*, San Mateo County Superior Court, Case No. FAM0124896.
4. This case is dismissed without prejudice. Upon dismissal, USAA Life shall be released from liability as to each defendant with respect to the subject matter of the instant interpleader action.

**IT IS SO ORDERED.**

Dated: March 22, 2016.

  
HONORABLE WILLIAM H. ALSUP  
JUDGE OF THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA